

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Ricky A. Holmes,)	C/A No. 1:14-720-JFA-SVH
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
City of Aiken,)	
)	
Defendant.)	
)	

The *pro se* plaintiff, Ricky A. Holmes, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983 contending that he is being falsely imprisoned on pending state charges in the City of Aiken.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that the court should dismiss the action. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 26, 2014. However, the plaintiff did not file objections and the time within which to do so has now expired. In the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge correctly opines that municipalities, like the City of Aiken, are only liable under § 1983 based on the execution of a governmental policy or custom. Here, plaintiff fails to identify a policy or custom of the City of Aiken that caused his federal rights to be violated.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds that the Magistrate Judge's recommendation is proper and incorporates it herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

April 30, 2014
Columbia, South Carolina